United Nations CCPR/C/CYP/CO/4

International Covenant on Civil and Political Rights

Distr.: General
30 April 2015

Original: English

Human Rights Committee

Concluding observations on the fourth periodic report of Cyprus*

1. The Committee considered the fourth periodic report submitted by Cyprus (CCPR/C/CYP/4) at its 3142nd and 3143rd meetings (CCPR/C/SR.3142 and 3143), held on 19 and 20 March 2015. At its 3157th meeting (CCPR/C/SR.3157), held on 31 March 2015, the Committee adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the fourth periodic report of Cyprus, albeit 10 years overdue, and the information contained therein. It expresses appreciation for the opportunity to renew its constructive dialogue with the State party's delegation on the measures that the State party has taken during the reporting period to implement the provisions of the Covenant. The Committee appreciates the written replies (CCPR/C/CYP/Q/4/Add.1) to the list of issues, which were supplemented by oral responses provided by the delegation during the dialogue and additional information provided in writing.

B. Positive aspects

3. The Committee welcomes the following legislative and institutional steps taken by the State party:

(a) The adoption of the Equal Treatment (Racial or Ethnic Origin) Law (L.59(I)/2004, as amended), and the Equal Treatment in Employment and Occupation Law (L.58(I)/2004, as amended), in March 2004, and the broadening of the competence and powers of the Ombudsman through the Combating of Racial and Other Forms of Discrimination (Ombudsman) Law (L.42(I)/2004) to ensure their effective enforcement;

(b) The adoption of the Violence in the Family (Prevention and Protection of Victims) Law (L.212(I)/2004, as amended);

(c) The adoption of the Criminal Code (Amendment) Law (L.18(I)/2006), which increased the age of criminal responsibility to 14 years;

* Adopted by the Committee at its 113th session (16 March–2 April 2015).

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(d) The amendment of the Children's Law (Cap. 352, as amended), which came into force on 20 June 2013, and which repealed a provision in article 54 of the law relating to "the right of any parent, teacher or other person having the lawful control or charge of the child to administer punishment";

(e) The adoption of guidelines for the prevention of suicide in prisons and detention centres, in 2014.

4. The Committee welcomes the ratification of, or accession to, the following international instruments by the State party:

(a) The Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, in 1999;

(b) The Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, in 2006;

(c) The Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in 2009;

(d) The Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, in 2010;

(e) The Convention on the Rights of Persons with Disabilities and its Optional Protocol, in 2011.

C. Principal matters of concern and recommendations

National human rights institution

5. The Committee is concerned that the Office of the Commissioner of Administration (the Ombudsman) lacks the necessary financial, technical and human resources to fulfil its very broad mandate, that it cannot appoint its own staff and that it lacks financial autonomy. In addition, the Committee is concerned about the absence of Turkish-speaking staff and that the reports generated by the Office are not published in Turkish (art. 2).

The State party should ensure that the Ombudsman has the financial and technical resources and personnel necessary to perform its task effectively on a fully independent basis, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) (General Assembly resolution 48/134, annex).

Discrimination on the basis of nationality

6. The Committee is concerned about reports that the nationality laws are applied in a discriminatory manner in relation to individuals from particular groups, particularly children of Turkish Cypriots and persons of South-East Asian origin, and that members of the latter group encounter obstacles in attaining Cypriot citizenship, despite meeting the legal requirements to acquire it (arts. 2 and 26).

The State party should take adequate measures to ensure that the nationality laws are applied indiscriminately on the basis of clearly defined criteria. It should ensure that applicants have access to information concerning the requirements of citizenship and that they receive a decision on their application for citizenship within a reasonable period of time.

Racial discrimination

7. Despite the efforts taken by the State party to combat racial discrimination, the Committee is concerned about reports of a rise in incidents of racially motivated verbal and physical abuse by right-wing extremists and neo-Nazi groups against persons of foreign origin, human rights defenders and Turkish Cypriots. It is also concerned that members of the Roma community still face de facto discrimination and social exclusion in the areas of housing, education and employment (arts. 2, 20 and 26).

The State party should strengthen its efforts to eradicate racial discrimination against Turkish Cypriots, Roma and other minorities by, inter alia, conducting public awareness-raising campaigns to promote tolerance and respect for diversity. The State party should ensure that cases of racially motivated violence are promptly investigated, that perpetrators are prosecuted and, where appropriate, punished, and that compensation is awarded to victims.

Gender equality

8. While welcoming the measures taken by the State party to promote gender equality, including the adoption of the new National Action Plan on Gender Equality 2014–2017 and the increase in the representation of women in a number of senior public positions, the Committee remains concerned about the generally low rate of representation of women in many decision-making positions, the limited participation of women in the peace process and the existing 16-per cent wage gap between men and women (arts. 2, 3 and 26).

The State party should:

(a) Strengthen its efforts to increase the representation of women in decision-making positions in public administration, if necessary, through improved education opportunities and appropriate and timely special measures to give effect to the provisions of the Covenant;

(b) Ensure that women's participation in the peace process is guaranteed at all stages, including in decision-making, in accordance with Security Council resolution 1325 (2000);

(c) Take additional concrete measures to close the wage gap between men and women.

Internally displaced persons

9. While welcoming the State party's decision to recognize children of women who have been internally displaced, the Committee remains concerned that the amendment applies only to certain housing schemes and benefits and does not give such children access to the same rights as children of internally displaced men, in particular the right to participate in elections in due course (arts. 2, 3, 25 and 26).

The State party should amend its legislation to ensure that children of women who have been internally displaced have the same benefits as children of internally displaced men, without any kind of distinction.

Missing persons

10. While welcoming the support given by the State party to the Committee on Missing Persons in the implementation of its mandate, the Committee is concerned about reports that investigations of missing persons of Greek Cypriot nationality are prioritized over those relating to missing Turkish Cypriots. The Committee is also concerned about the lack of information regarding redress afforded to relatives of victims and the measures taken to

investigate cases of missing persons and to prosecute those responsible (arts. 2, 3, 6, 7 and 23).

The State party should continue to provide support to the Committee on Missing Persons and take immediate steps to investigate all outstanding cases of missing persons from both the Greek and Turkish communities in an effective, transparent, independent and impartial manner. It should also ensure that the families of the victims obtain appropriate redress, including adequate compensation and psychological rehabilitation, and that the perpetrators are prosecuted and punished as appropriate.

Torture and ill-treatment

11. Despite measures taken by the State party to combat torture and ill-treatment by the police, including the establishment of an independent authority for the investigation of allegations and complaints against police, the Committee is concerned about the limited data available on complaints of torture and ill-treatment as well as the small number of investigations, prosecutions, convictions and sanctions for perpetrators of such acts (arts. 7 and 10).

The State party should strengthen its efforts to eradicate torture and ill-treatment and ensure that such acts are promptly, thoroughly and independently investigated, that perpetrators of acts of torture and ill-treatment are prosecuted in a manner commensurate with the gravity of their acts, that complaintants are afforded appropriate protection and that victims are provided with effective remedies, including appropriate compensation.

Excessive use of force

12. The Committee is concerned about reports of excessive use of force by police officers during acts of arrest and detention, including the use of tear gas against migrants and asylum seekers held at the Menoyia detention facility, in 2013. It is also concerned that no information has been provided on subsequent measures taken to investigate those incidents and prosecute and punish those responsible (arts. 2, 6 and 7).

The State party should establish effective investigative procedures to ensure that the law enforcement officers who were found responsible for excessive use of force during the 2013 incidents are punished. The State party should take effective measures to prevent future incidents of abuse and ill-treatment by the police.

Non-refoulement

13. While the Committee notes that article 4 of the Refugee Law (L.6(I)/2000, as amended) prohibits non-refoulement, the Committee is concerned about reports alleging that some asylum seekers have been deported to countries where there are substantial grounds for believing they would be at a real risk of torture. The Committee is also concerned that the screening process to identify victims of torture and trafficking among asylum seekers does not appear to meet international standards (arts. 6, 7 and 13).

The State party should respect the principle of non-refoulement by ensuring that asylum seekers are not extradited, deported or expelled to a country where there are substantial grounds for believing there is a real risk of irreparable harm, such as that set out in articles 6 and 7 of the Covenant.

Detention of migrants and asylum seekers

14. While the Committee welcomes the measures taken by the State party to prevent the detention of migrants and asylum seekers, it remains concerned that large numbers of migrants and asylum seekers, including women who have been separated from their young children, continue to be detained for lengthy periods of time while awaiting deportation. It is also concerned that asylum seekers are unable to obtain access to legal advice during all administrative stages of the refugee status determination process (arts. 9 and 13).

The State party should:

(a) Ensure that persons awaiting deportation are detained for the shortest period of time necessary, in accordance with the standards set out in the Committee's general comment No. 35 (2014) on liberty and security of person, and that mothers with young children are not detained, unless in very exceptional circumstances;

(b) Adopt alternatives to detaining migrants and asylum seekers whenever possible;

(c) Consider amending the Refugee Law and the Legal Aid Law in order to guarantee access, in appropriate cases, to legal advice throughout all stages of the asylum process.

Conditions of detention and violence in prison

15. While noting efforts made by the State party to reduce overcrowding and improve conditions of detention, the Committee remains concerned at reports of inter-prisoner violence, including gang rape, the use of solitary confinement for excessive periods of time and of minors and migrants not always being segregated from the rest of the detained population (arts. 6, 7 and 10).

The State party should continue to strengthen its efforts to improve detention conditions by taking practical measures to, inter alia:

(a) Reduce overcrowding, particularly through the introduction of alternatives to detention;

(b) Prevent incidents of inter-prisoner violence, including through the implementation of effective monitoring mechanisms and training of prison staff on identifying persons vulnerable to inter-prisoner abuse;

(c) Investigate incidents of inter-prison violence, especially those resulting in death, prosecute and punish those responsible with sanctions commensurate with the crime and compensate victims.

Domestic violence

16. While welcoming measures taken by the State party to prevent domestic violence, the Committee remains concerned about the small number of investigations, convictions and prosecutions of those responsible, and the limited availablity of facilities for treating victims of sexual violence (arts. 2, 3, 7 and 23).

The State party should ensure that all cases of domestic violence are thoroughly investigated, perpetrators are prosecuted and, if convicted, punished with appropriate sanctions and that all victims are afforded effective remedies, including protection and access to shelters and rape crisis centres. The State party should also establish a comprehensive reporting system and database for such acts in order to analyse and assess current and developing areas requiring prompt and ameliorative action. The State party should take additional immediate steps to implement the

recommendations set out in the Ombudsman's report on domestic violence, particularly those regarding redefinition of the term "violence" and of the categories of protected persons.

Crossing points

17. While noting the State party's efforts to reach an agreement with Turkish Cypriot leaders on new crossing points, the Committee is concerned that certain restrictions on crossing the Green Line — notably the State party's policy concerning the passage of Turkish settlers and their descendants who were born in occupied areas — unduly interfere with the enjoyment of the right to the freedom of movement conferred upon all residents of the island by article 12 of the Covenant (arts. 2 and 12).

The State party should continue its efforts to open new crossing points and take measures to facilitate greater access by residents of the northern part of the island to the southern part.

Access to places of worship

18. The Committee is concerned about reports suggesting undue restrictions to the freedom of religion and belief of certain minorities, particularly Muslims, owing to limited access to places of prayer, including the Hala Sultan Tekke Mosque, which is only open for worship on Fridays and about reports of inadequate maintenance of Muslim cemeteries. The Committee is also concerned that the travel restrictions at the crossing points referred to in paragraph 17 above prevent some Turkish Cypriots from undertaking religious pilgrimages in the southern part of the island (arts. 12 and 18).

The State party should ensure that its legislation and practices conform fully with the requirements of article 18 of the Covenant by taking immediate measures to remove undue restrictions on access to places of worship, including those that limit worship to one day per week.

Religious teaching

19. While noting that students or parents have the right to apply for an exemption from attending religious teachings other than that of their own religion, the Committee remains concerned that in some cases, students are required to remain in class, despite being granted an exemption. The Committee is also concerned about the lack of information on measures taken to support the religious education of non-orthodox communities (arts. 2, 18 and 27).

The State party should ensure that every student has the freedom to participate or not to participate in religious education in school, that exemptions are easily available and not subject to burdensome administrative procedures, and that students of different religious convictions, particularly Muslims in the southern part of the island and other non-orthodox communities, have access to alternative religious education on a voluntary basis.

Juvenile justice system

20. While noting the progress made by the State party with regard to the newly proposed juvenile justice system, the Committee is concerned at the State party's failure to take immediate measures towards the establishment of specialized courts for juveniles, the separation of all juveniles from adults in all places of detention and the effective protection of minors in the justice system (arts. 14 and 24).

The State party should take measures to ensure that juveniles are treated in a manner commensurate with their age, specific needs and vulnerabilities, that juvenile

offenders are tried before a specialized court for juveniles and are separated from adults in detention facilities. It should also ensure the provision of alternatives to imprisonment as the primary course of action for juveniles and that juvenile offenders are detained only as a last resort and for as short a period of time as possible. Finally, the State party should ensure that its new juvenile justice system upholds the rights set forth in the Covenant with the primary aim of rehabilitation and reintegration into society of juvenile offenders.

Freedom of expression

21. The Committee is concerned that article 6 (1) of the Law on the Procedure for the Standardization of Geographical Names of the Republic (L.71 (I)/2013, as amended), which criminalizes the publication, inter alia, of material containing place names in the Republic that are different from those specified in official documents, appears to be incompatible with the right to freedom of expression (arts. 19 and 27).

The State party should repeal the criminal provisions of the Law on the Procedure for Standardization of Geographical Names of the Republic. It should also review other provisions of the law to ensure that they serve a legitimate public purpose, are necessary and proportionate to the purpose pursued and impose the least restrictive measures possible for the achievement of its goals, as set out in the Committee's general comment No. 34 (2011) on the freedoms of opinion and expression.

Right to vote

22. The Committee is concerned about allegations that a significant number of Turkish Cypriots were unable to vote during the European Parliament elections held on 25 May 2014 because their correct residential addresses had not been entered in the Government's database. The Committee is also concerned that recent amendments to the Electoral Law, which require Turkish Cypriots to register by filing a form with the Ministry of the Interior containing, inter alia, their residential address, were not disseminated and translated into the Turkish language (arts. 2, 25 and 26).

The State party should take immediate steps to ensure Turkish Cypriots have the same rights and obligations as all other Cypriot citizens, both in law and in fact, to vote and stand for elections so as to be in full compliance with articles 25 and 26 of the Covenant. It should also ensure that all future amendments and laws concerning participation in elections are disseminated and published in both official languages.

Minority rights

23. While welcoming the measure taken by the State party to remove economic, linguistic and cultural barriers faced by ethnic minorities, including Turkish Cypriots, the Committee is concerned about the small number of Turkish Cypriots in the State party's civil service, including the police force and the judiciary. It is also concerned about reports that demanding Greek language proficiency tests serve as de facto barriers to the integration of minority communities in the civil service. Finally, the Committee is concerned that no steps have been taken to establish a Turkish school in Limassol (arts. 2, 26 and 27).

The State party should continue its efforts to eradicate the economic, linguistic and cultural barriers facing Turkish Cypriots and other minorities. In that regard, it should intensify its efforts to integrate Turkish Cypriots into the civil service and the judiciary, including through the introduction of temporary special measures, and consider easing the language requirements for entering the civil service. It should also consider establishing a Turkish school in Limassol.

24. The Committee reiterates its concern that the State party has no concrete plans to revise article 2 of the 1960 Constitution, which recognizes only those religious groups with membership of over 1,000 on the date that the Constitution came into force and therefore excludes certain religious groups from the principle of self-identification, and is an impediment to their full enjoyment of the freedom of religion, as was noted by the Special Rapporteur on freedom of religion or belief in his 2012 report on his mission to Cyprus (A/HRC/22/51/Add.1). The Committee is also concerned that the 2011 census did not effectively implement the principle of self-identification (art. 27).

The State party should adopt the legal measures necessary to ensure that all religious communities enjoy equal recognition.

Dissemination of information relating to the Covenant

25. The State party should widely disseminate the Covenant, the text of its fourth periodic report, the written replies to the list of issues drawn up by the Committee and the present concluding observations among the judicial, legislative and administrative authorities, civil society and non-governmental organizations operating in the country, and the general public.

26. In accordance with rule 71, paragraph 5, of the Committee's rules of procedure, the State party should provide, within one year, relevant information on its implementation of the recommendations made by the Committee in paragraphs 5, 10 and 23 above.

27. The Committee requests the State party to submit its next periodic report on 2 April 2020, and to include specific up-to-date information on the implementation of all its recommendations and on the Covenant as a whole. In accordance with General Assembly resolution 68/268, that report should not exceed 21,200 words. The Committee also requests the State party, when preparing its next periodic report, to broadly consult civil society and non-governmental organizations operating in the country.